

Message Text

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43

ORIGIN SCSE-00

INFO OCT-01 ARA-10 ISO-00 EB-07 SSO-00 L-03 SCA-01 SS-15

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DRAFTED BY SCA;SCS;RBOYLAN:MBURKE:JS

APPROVED BY SCA;SCS;AFOWLER

SCA;SCS;LPMULLIN

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO CITY IMMEDIATE

UNCLAS STATE 226385

E.O. 11652:N/A

TAGS:CPRS:MX

SUBJECT: CONFISCATED AIRCRAFT

REF: MC A-308

IF THE EMBASSY CAN SUPPLY THE INFORMATION, THE FOLLOWING
WOULD BE HELPFUL IN CONNECTION WITH SCA DIRECTOR'S
BRIEFING OF CONGRESSIONAL GROUPS ON WEDNESDAY, 9/24.
PROBLEM THROUGHOUT STATISTICS APPEARS TO BE MIXING OF
PLANES (1) WHICH QUALIFY FOR RELEASE THROUGH THE
CONVENTION (I.E. STOLEN OR EMBEZZLED, REGARDLESS OF USE TO
WHICH THEY WERE PUT) AND (2) ALL OTHERS (IE. THOSE WHICH

ARE NOT ELIGIBLE FOR RELEASE UNDER CONVENTION.)

A-308'S TOTAL OF 188 IS MISLEADING, SINCE RETURNED,
DESTROYED OR ABANDONED BRING TOTAL TO 151:

1. HOW MANY ARE ACTUAL AND POTENTIAL CONVENTION CASES?
2. OF THAT NUMBER, HOW MANY ARE BEING USED WHILE IN
CUSTODY?
3. HOW MANY OF TOTAL 151 WERE NOT REPORTED TO THE EMBASSY
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BY EITHER OWNERS OR MEXICAN AUTHORITIES BUT APPARED ON
ATTORNEY GENERAL LIST REQUESTED BY EMBASSY?

4. HOW MANY OF THE 68 PENDING RELEASE THROUGH THE COURTS

MIGHT HAVE BEEN RELEASED UNDER CONVENTION AS WELL I.E HOW
MANY HAVE A CHANCE OF QUALIFYING AS STOLEN PLANES?

5. HOW MANY ARE STOLEN OR EMBEZZLED, I.E LEASED PLANES
USED ILLEGALLY?

6. DOES LOWER JURISDICTION, EVEN MAGISTRATE, HAVE AUTHORITY
TO RELEASE AIRCRAFT?

7. CONVENTION LANGUAGE DOES NOT REQUIRE COURT PROCEEDING.
IN PRACTICE, WOULD ATTORNEY GENERAL RELEASE WITHOUT SUCH
PROCEEDING ON BASIS EMBASSY NOTE AND DOCUMENTATION?

8. IF DOCUMENTS PRESENTED TO FOREIGN MINISTRY IMMEDIATELY
UPON CONFISCATION FOR RETURN UNDER THE CONVENTION, WOULD
ATTORNEY GENERAL ACT IF COURT PROCEEDINGS PENDING?

9. UNDER WHAT MEXICAN STATUTES ARE PLANES CONFISCATED?
IF CONFISCATION STATUTE CONFLICTS WITH TREATY, WHICH WOULD
PREVAIL?

10. DO MEXICAN AGENCIES PETITION ON A USUAL BASIS TO
REMAND OR CONFISCATE THE AIRCRAFT?

11. ONCE A CLAIM IS PRESENTED UNDER THE TREATY, WHO
DETERMINES WHETHER THE TREATY IS APPLICABLE AND HOW? DOES
A DETERMINATION OF APPLICABILITY DIVERT THE COURT OF
JURISDICTION (SEE 8). INGERSOLL

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